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QUESTION OF PALESTINE
SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-seventh year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 46/75 of 11 December 1991 on the question of convening an International Peace Conference on the Middle East. The operative part of the resolution reads as follows:

"The General Assembly,

"...

"1. Reaffirms the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine;

"2. Considers that the convening of an International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination, would contribute to the promotion of peace in the region;

"3. Reaffirms the following principles for the achievement of comprehensive peace:

"(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

"(b) Guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;

"(c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions;

"(d) Dismantling the Israeli settlements in the territories occupied since 1967;

"(e) Guaranteeing freedom of access to Holy Places, religious buildings and sites;

"4. Welcomes the convening at Madrid, on 30 October 1991, of the Peace Conference on the Middle East, which constitutes a significant step towards the establishment of a comprehensive, just and lasting peace in the region;

"5. Notes the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a transitional period, as part of the peace process;

"6. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on developments in this matter."

2. On 28 October 1992, the Secretary-General, in pursuance of the request contained in paragraph 6 of the above-mentioned resolution, addressed the following letter to the President of the Security Council:

"I have the honour to refer to resolution 46/75 entitled 'International Peace Conference on the Middle East', which the General Assembly adopted at its forty-sixth session, on 11 December 1991, and the text of which is attached.

"Paragraph 6 of the resolution requests me to continue my efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on developments in this matter. I should be grateful if the Security Council would convey to me its views as soon as possible."

3. As at 20 November 1992, no reply has been received from the Security Council.

4. In a note verbale to the parties concerned, dated 13 October 1992, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, and of the Palestine Liberation

Organization, in regard to the International Peace Conference on the Middle East as called for in General Assembly resolution 46/75. As at 20 November 1992, the following replies had been received:

Note dated 9 November 1992 from the Permanent Representative of Israel to the United Nations

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his note verbale dated 13 October 1992 regarding General Assembly resolution 46/75 of 11 December 1991 entitled 'International Peace Conference on the Middle East'.

"Israel has consistently voted against General Assembly resolutions that called for the convening of an International Peace Conference on the Middle East.

"Israel has long advocated direct negotiations as the only framework to advance peace in the Middle East. General Assembly resolution 46/75 proposes an International Peace Conference that is designed to serve as a substitute for direct negotiations. Characteristically, the verb 'negotiate' or any of its derivatives, are not to be found in the resolution.

"Israel is currently engaged in direct, face-to-face negotiations with its neighbours in bilateral and multilateral frameworks. Indeed, the United Nations itself is now a participant in the multilateral talks. Thus, in calling for an International Peace Conference, resolution 46/75 is clearly detached from reality and anachronistic. Support for this resolution only exemplifies inattentiveness to the positive political developments taking place outside the halls of the United Nations.

"Resolution 46/75 calls for the participation in the international conference of the PLO, a terrorist organization which cannot be considered a partner to peace negotiations.

"Moreover, resolution 46/75, while including a reference to Security Council resolutions 242 (1967) and 338 (1973), also affirms in operative paragraph 3 a series of principles which prejudge the possible outcome of peace negotiations and the very principles contained in Security Council resolutions 242 and 338.

"In addition, the resolution contains inherent inconsistencies. On the one hand, resolution 46/75 welcomes the convening of the Madrid Peace Conference, which initiated the current peace process. On the other hand, resolution 46/75 reaffirms principles, such as those in operative paragraph 3, which stand in opposition to any genuine notion of peace. Thus, resolution 46/75 clearly contradicts itself."

Note dated 16 November 1992 from the Permanent Mission of Lebanon to the United Nations

"Lebanon,

"In conformity with its commitment to Arab causes, and particularly to the cause of the Palestinian people, including the right of that people to achieve self-determination and to return to its land, to the liberation of all the occupied Arab territories and to the establishment of a just peace in the region,

"Pursuant to the general Arab position concerning the convening of an International Peace Conference, having regard to the fact that a large number of Palestinians are residing in Lebanese territory, and bearing in mind the fact that Lebanese territory was occupied by Israel in and subsequent to 1978 and that such occupation was due to be terminated under the terms of Security Council resolution 425 (1978), a resolution which was the subject of international consensus, demanding nothing short of implementation in full,

"In conformity with Lebanon's commitment to international law and to the institutions and principles on which such law and the decisions taken thereunder are based, and in particular to the rejection of any violation of any State's territorial integrity and full exercise of sovereignty over such territory, and in affirmation of Lebanon's determination to resolve the Lebanese occupation problem separately from the Middle East problem,

"Has decided to establish the following principles:

"1. It supports efforts to convene the International Conference with a view to resolving the Middle East problem and to establishing a comprehensive, just peace in the region;

"2. It agrees in principle to attend the Conference and to affirm that Lebanon, while having an interest in the cause of peace in the region, in the right of the Palestinian people to achieve self-determination in its national territory and in the liberation of all the occupied Arab territories, is primarily interested in the liberation of all its territory;

"3. Lebanon's attendance of the International Conference must in no way be taken as implying a link between a resolution of its problem and a resolution of the Middle East problem;

"4. It categorically rejects any attempt to settle the Palestinians in Lebanese territory;

"5. The problem posed by Israel's occupation of Lebanese territory must be solved through implementation of Security Council resolution

425 (1978), which calls for an unconditional withdrawal of the Israeli occupation forces from Lebanese territory to internationally recognized boundaries and urges assistance to the Government of Lebanon in exercising its full and effective authority throughout Lebanese territory;

"6. It stresses implementation of the 1949 General Armistice Agreement and adherence to all its provisions.

"Lebanon's participation in the current peace talks in Washington comes in response to the letter of invitation addressed to it by the Conference's sponsors and in accordance with the letter of assurances to it from the United States of America, which states the need for full implementation of Security Council resolution 425 (1978) on a basis of strict respect for Lebanon's independence, sovereignty and territorial integrity within its internationally recognized boundaries.

"Lebanon wishes to affirm the need for United Nations involvement in the peace process and for the Organization's assumption of a greater, more effective and more participatory role in that process.

"The procrastination and debilitating conditions stipulated by Israel from time to time, and particularly its unwillingness to state its agreement to implement Security Council resolution 425 (1978) with Lebanon, serve only to delay and impede the present peace process.

"Lebanon believes it is essential to make tangible progress in the bilateral talks, which lie at the heart of the process; these address the political issue which, as is well known, without any doubt constitutes the basis of the Arab-Israeli conflict."

Note dated 19 November 1992 from the Permanent Mission of the Syrian Arab Republic to the United Nations

"In considering General Assembly resolution 46/75 of 11 December 1991, the Government of the Syrian Arab Republic notes with regret that the principles affirmed by the General Assembly with a view to achieving a comprehensive peace in the Middle East region have not yet been realized for the following reasons:

"1. The refusal of Israel to withdraw from the Arab territories which it occupied in 1967, including the Syrian Golan and Jerusalem;

"2. Israel persistently continues to establish settlements in all the Arab territories occupied since 1967;

"3. The Israeli occupation authorities in the occupied Arab territories have failed to halt their repressive and arbitrary practices against the population in the occupied Arab territories;

"4. Contrary to the wish of the General Assembly set forth in General Assembly resolution 38/58 C, Israel continues to hinder international efforts aimed at bringing a just and comprehensive peace to the Middle East region by the convening of an International Peace Conference on the Middle East.

"By contrast, the Syrian Arab Republic has endeavoured to continue its sincere efforts aimed at establishing a just and comprehensive peace in the Middle East region based on the implementation of United Nations resolutions, particularly Security Council resolutions 242 (1967) and 338 (1973). Accordingly, it responded to the initiative of the United States of America and the Union of Soviet Socialist Republics by participating in the Madrid Peace Conference and resolutely working in a responsible manner to ensure its success.

"The Syrian Arab Republic believes that the General Assembly should reaffirm the need for continued international efforts to achieve a just and comprehensive peace based on the principles of the Charter of the United Nations and United Nations resolutions concerning the Arab-Israeli conflict in such a way as to secure Israel's full withdrawal from all the occupied Arab territories and guarantee the national rights of the Palestinian people in accordance with the relevant United Nations resolutions.

"Syria wishes to draw attention to the fact that its agreement to the above-mentioned United States proposals does not - in the event of the parties failing to reach agreement - affect its commitment to the United Nations resolution which calls for the convening of an International Peace Conference on the Middle East, or to any other United Nations resolution on the Arab-Israeli conflict and the question of Palestine."

Note dated 3 November 1992 from the Permanent Observer of Palestine to the United Nations

"The Permanent Observer of Palestine to the United Nations presents his compliments to His Excellency, the Secretary-General of the United Nations, and has the honour to refer to his note verbale, dated 13 October 1992, regarding General Assembly resolution 46/75, entitled 'International Peace Conference on the Middle East', and seeks to convey the position of the Executive Committee of the Palestine Liberation Organization, which retains the power and responsibilities of the Provisional Government of Palestine, on this matter.

"The Palestine Liberation Organization notes that the idea of convening an International Peace Conference in accordance with General Assembly resolutions, the latest of which was resolution 46/75, has received support from the overwhelming majority of Member States of the United Nations. The Palestine Liberation Organization still believes that this idea represents the best and most effective way to achieve

peace in the Middle East and regrets that such a conference has not yet materialized due to the disagreement of two parties. On the other hand, it is known that a peace process under the sponsorship of the United States of America and the Russian Federation is currently under way. The Palestine Liberation Organization supported the process and authorized Palestinian participation in it. Unfortunately, a full year has elapsed since the convening of the Madrid Peace Conference without the achievement of any tangible results.

"The Palestine Liberation Organization still supports the current peace process and hopes that it will effectively lead to a comprehensive peace in the region. Concurrently, it calls for a more active United Nations role in the process as well as in the occupied Palestinian territory, including Jerusalem. The Palestine Liberation Organization also believes that the principles for the realization of a comprehensive peace, reaffirmed in General Assembly resolution 46/75, remain valid, and asserts that any final settlement must embody these principles. Furthermore, the Palestine Liberation Organization believes that due to the complexity and interrelatedness of issues pertaining to the question of Palestine and the situation in the Middle East, an International Peace Conference in accordance with General Assembly resolutions must, at a certain stage, be convened.

"The Palestine Liberation Organization reaffirms in principle the lasting responsibility of the United Nations vis-à-vis the question of Palestine, until it is resolved in all its aspects, as well as the responsibility of the United Nations towards the building of a comprehensive and lasting peace in the Middle East."

Observations

5. It is clear from the communications set out above that sufficient agreement does not exist to permit the convening of an International Peace Conference on the Middle East as outlined in paragraph 2 of resolution 46/75.

6. Furthermore, it is important to note that the negotiations launched at the Madrid Peace Conference - which itself was welcomed in resolution 46/75 as a significant step towards the establishment of a comprehensive, just and lasting peace in the region - have continued throughout the past year. The process has recently been widened to include the United Nations as a full participant in the multilateral working groups on regional issues. On 20 November 1992, I appointed Ambassador Chinmaya Gharekhan of India as my Special Representative to the multilateral talks.